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 7 CITY OF OAKLAND, OAKLAND
 7 POLICE DEPARTMENT, CHIEF WAYNE
 7 TUCKER, SGT. BERNARD ORTIZ

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10 **UNITED STATES DISTRICT COURT**

11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **SAN FRANCISCO DIVISION**

13 MIGUEL ORTEGA, BENJAMIN ORTEGA,

14 Plaintiffs,

15 v.

16 CITY OF OAKLAND, OAKLAND POLICE
 17 DEPARTMENT, WAYNE TUCKER, In His
 18 Capacity as the Police Chief of the City of
 19 Oakland, RAMON J. ALCANTAR, Individually
 20 and in his capacity as a Police Officer for the
 City of Oakland, B. ORTIZ, Individually and in
 his capacity as a Police Officer for the City of
 Oakland, DOES 1 THROUGH 200,

21 Defendants.

22 Case No. C-07-02659 (JCS)

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24 **DECLARATION OF CHARLES VOSE IN
 SUPPORT OF REPLY TO PLAINTIFFS'
 OPPOSITION TO DEFENDANTS'
 MOTION TO STRIKE SECOND
 AMENDED COMPLAINT NINTH
 CAUSE OF ACTION AND MOTION FOR
 SANCTIONS**

25 Date: September 19, 2008
 Time: 9:30 a.m.
 Dept.: Courtroom A, 15th Floor
 The Honorable Joseph C. Spero

26 I, Charles Vose, declare:

27 1. I am an attorney licensed to practice before all courts of the State of California and
 28 am a Senior Deputy City Attorney with the Office of the City Attorney of Oakland, one of the
 29 attorney's of record for defendants herein. The matters set forth herein are known to me to be true,

1 and if called upon, I could competently testify thereto.

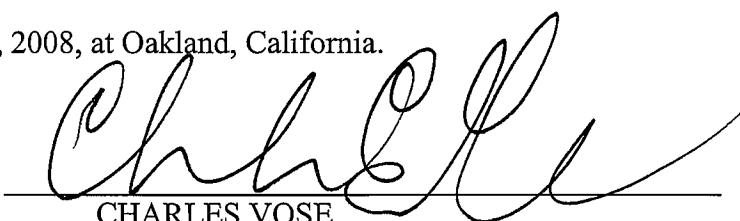
2 2. On or about June 27, 2007, I filed a Motion to Dismiss in this action, pursuant to
 3 F.R.C.P. 12(b)(6), on behalf of defendants City of Oakland and the Oakland Police Department. At
 4 the time I filed the Motion to Dismiss, these were the only defendants who I represented. I further
 5 determined these were the only defendants who had been properly served and upon who's behalf I
 6 could file the Motion to Dismiss.

7 2. Attached hereto as Exhibit A is a true and correct copy of a September 4, 2007 letter
 8 I received from Ms. Catherine Douat, counsel for plaintiffs in this action.

9 3. I reviewed the draft of Ms. Douat's proposed First Amended Complaint that
 10 accompanied her September 4, 2007 letter. I determined it addressed all of the issues in our
 11 pending Motion to Dismiss as well as the other issues raised by Mr. Kee concerning other
 12 infirmities in the complaint. Attached hereto as Exhibit B is a true and correct copy of a September
 13 7, 2007 letter I sent to Ms. Catherine Douat, counsel for plaintiffs in this action agreeing to
 14 withdraw the City's pending Motion to Dismiss.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
 16 is true and correct.

17 Executed this 25th day of July, 2008, at Oakland, California.



CHARLES VOSE

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